

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
April 12, 2011

The Niceville City Council met in regular session at 7:00 PM, April 12, 2011 in the Council Chambers, 208 N Parting Drive. All Council members, and the Mayor were present. Also present were City Manager Lannie Corbin; City Clerk, Dan Doucet; City Planner, Wanda Cruttenden; Police Department, Capt Popwell; Public Works Director Bruce Price; Fire Department, Chief Mayville; a member of the press, and 27 visitors in the audience. Councilman Thomas offered the prayer and Councilman Henkel led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

Regular Council Meeting - March 8, 2011  
Planning Commission Meeting - No Meeting Held  
Local Planning Agency Meeting - No Meeting Held

Councilman Swihart moved approval. Councilman Smith seconded. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

PUBLIC HEARING

Ordinance 11-04-01 - An ordinance relating to elections; adopting the Niceville municipal election code; providing a short title; providing definitions; designating the city clerk as chief elections official; providing qualifications to vote; adopting the permanent single registration system; providing for the use of voter registration records; providing for a single polling place; providing for the qualifications of candidates; providing for non-partisan elections; providing for special elections; providing for issue elections; providing for the administration of elections; establishing dates of elections; specifying form of the ballot; providing a method of voting; establishing procedures at the polling place; providing for election officials at the polls; providing for absentee voting; providing for counting the votes; providing for canvassing the returns; providing for the protest and contest of elections; prohibiting certain practices; providing penalties; providing for the reporting and regulation of campaign finances; providing an effective date. (Third Reading)

Mr Doucet read Ordinance 11-04-01 by title. Councilman Thomas moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Henkel-yes; Thomas-yes; Swihart-yes; Smith-yes.

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Ordinance 11-04-02 - An ordinance adopting amendments to the Niceville Land Development Code, Ordinance No. 91-1, as amended; to incorporate Comprehensive Plan Evaluation and Appraisal Report findings; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Third Reading)

Mr Doucet read ordinance 11-04-02 by title. Councilman Smtih moved approval on third reading. Councilman Thomas seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 11-04-03 - An ordinance adopting the proposed amendments to the Niceville Comprehensive Plan, Ordinance No. 90-10 as amended; providing for revision to the future land use element, and the coastal management and conservation element: renumbering and amending dates for the future land use map series, and including land development code minimum wetlands buffer language; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Third Reading)

Mr Doucet read ordinance 11-04-03 by title. Councilman Thomas moved approval on third reading. Councilman Smith seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 11-05-01 - An ordinance adopting amendments to the Niceville Land Development Code, Ordinance No. 91-1, as amended; providing for revisions to minimum Right-of-Way requirements for minor streets; to repeal conflicting ordinances or provisions thereof; and providing for an effective date. (Second Reading)

Mr Doucet read ordinance 11-05-01 by title. Councilman Swihart moved approval on second reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Henkel-yes; Thomas-yes; Swihart-yes; Smith-yes.

Ordinance 11-05-02 - An Ordinance for the rezoning of certain properties in the City of Niceville, Florida; Endicott Village, Phase II from R-3 Multi Family to PUD, Planned Unit Development; providing zoning for same and an effective date. Bob McElroy. (Second Reading)

Mr Doucet read ordinance 11-05-02 by title. Councilman Smith moved approval on second reading. Councilman Thomas seconded. No one spoke for or against. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ordinance 11-05-03 - An Ordinance for the rezoning of certain properties in the City of Niceville, Florida; at the corner of Palmetto and Early from R-2, one or multiple family to C-2, General Commercial; the south 2 of Lot 14, Nathey Estates, according to the plat

thereof recorded in Plat Book 1, Page 45, Public Records of Okaloosa County, Florida. Tonya L=Orange. (Second Reading)

Mr Doucet read ordinance 11-05-03 by title. Councilman Swihart moved approval on second reading. Councilwoman Boudreaux seconded. Mrs Tonya L'Orange (the applicant) requested the council delay this item on the agenda to allow enough time for attorney Mike Chesser to arrive and participate on their behalf. Discussion followed. Mr. Heath Rominger, 3 Coolwater Lane, expressed his opposition for rezoning the property on Palmetto Ave which includes the possibility of having the unsightly existence of U-Haul vehicles and increased commercial traffic, the noise pollution impact from a commercial garage and the thought of a fire hazard just feet from my neighbor's homes is a deep concern. He expressed concern over the long term unintended consequences of the re-zoning in that one day the current owner may want to sell his property to someone that may bring a commercial business into our neighborhood that has increased negative contributions. Discussion followed. Mr Brett Bernstein 14 Coolwater Lane provided a handout to the council and explained his opposition to the request for rezoning. He is concerned about noise; safety; propane accidents that could occur when opening valves, filling tanks. He stated there is not enough room to work on antique cars and no room for a buffer. Discussion followed. Attorney Michael Chesser stated Mr Rominger is right. He gave credit to best business in town which is the Bayou Book Store that has sustained all types of completion. He talked about the process of re-zoning. He asked if there is a way we can live together; is it possible to have a C-2 application in a residential area? He spoke about buffer zones that are necessary to make the design consistent with the adjacent use of land. He requested if there is a way to table the issue in order to have time to bring back a workable plan for council consideration. Discussion followed. Councilman Swihart withdrew his motion and Councilwoman Boudreaux withdrew her second. Councilman Smith moved approval to table this request until the next council meeting. Councilman Swihart seconded. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Resolution 11-04-01 - A resolution authorizing the City Manager to purchase services for the Bayshore Drive Drainage Improvements Project – 2011.

Mr Doucet read resolution 11-04-01 by title. Councilman Smith moved approval. Councilman Thomas seconded. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS

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Water/Sewer/Drainage Projects - Update:

Mr Price briefed the status of current projects.

**City Hall Pump Station Project:** All of the information has been sent to Eglin regarding the easement on College Boulevard and Eglin has given written permission to proceed with the installation of the pipe and directional bore. Work is also underway to install the lines at the south end of the project.

**Pump Station # 38 Replacement:** City crews have completed the installation of the new pump station and it is operational. This completes the Rocky Bayou force main diversions Project. With the completion of this installation all sanitary sewer collected in the Niceville service area is collected and pump through our system. We no longer have any sewer being collected or pumped through the county system.

**Pump Station #1 Replacement:** The SRF Loan has been approved and we are awaiting the final execution of the loan documents at which time we can begin the process of scheduling this project for bidding.

**13<sup>th</sup> Street Drainage Project:** The NFWFMD has completed its inspection of the 13<sup>th</sup> Street Drainage Improvements Project and has approved the system for operation. We have filed for closure of the NPDES permit and are in the process of converting our DEP construction Permit to an operations and maintenance permit.

**Bayshore Pipe Replacement:** With the acceptance of the low bidder we are setting up a preconstruction meeting to schedule this project.

**Valparaiso Boulevard Drainage Improvements:** We are still awaiting the final permit approval for this project. We have completed the testing of the materials in the abandoned home at the corner of Valparaiso and Bayshore and will be moving forward with having the old house removed. This lot will be the site of the treatment pond for the upcoming drainage improvements project.

**Pine Avenue Connector Road:** Young contracting has completed the portion of the connector road between Pine and Wise and is scheduled to pave that segment this week. The driveway connection of this road to SR 20 across from the Wal-Mart will be completed when the signal is installed and operational. DOT will not allow the intersection connection until the signal is operational.

**VRC 31 Subdivision:** The installation of the underground utilities is near completion and the contractor has paved the road.

**Mast Arm Status Report:** A report was compiled on the condition of all the signal mast arms and provided that information to the city clerk and the city manager. A total of 12 mast arms were inspected. 4 of the intersections show serious peeling problems are in need of maintenance. (Cedar Avenue, Rocky Bayou Road, College @ 285, & Palm & 285) The remaining Intersections were in good to excellent condition. This information was forwarded to DOT.

Mr Corbin asked the City Clerk to brief the council on the results of the research he has done regarding this issue. Mr Doucet stated he surveyed the cities in the county to determine who had similar problems. The City of Destin had a defective pole; however, it had not been installed as part of an airport project. The issue was corrected by the contractor according to the FDOT. The only other issue was at the corner of Hiway 98 and Memorial Drive in Fort Walton Beach. Mr Doucet stated the FDOT District Secretary told him they used this location as a test/pilot project to see if the refurbishing met standards, etc; so far, it's holding up. The City of Fort Walton Beach worked this issue for 2 years. Mr Doucet stated that Mr Price did a great job of inspecting the mast arms; preparing the reports at each location and took a number of pictures and downloaded them to a CD. I drafted a letter for the City Manager's signature to the FDOT to basically go on record that we have a problem.

The District Secretary responded stating the mast arm peeling is an aesthetics issue and has no bearing on the safety of the structures. He advised in 2007 their executive board made a decision that the repair and painting of cantilever mast arms are the responsibility of the local maintaining agency as part of the maintenance agreement. FDOT's position is the maintenance of the arms are part of the agreement although there is no verbiage in the agreement about the mast arms (however, it's their interpretation). He stated future agreements will cover the mast arms. Mr Doucet advised our attorney is reviewing the maintenance agreements to provide input from a legal standpoint. We have an agreement with the county to perform maintenance on the signals, controller boxes, etc. The agreement does not mention the mast arms. Discussion followed.

**Clearing for New Storage Area:** City crews and the contractor have completed the clearing of the paint ball property and grading and stabilization work are underway.

**Parking Lot @ FD & PD:** City crews are very near completing the concrete parking area behind the PD & FD.

**Lions Park Bathrooms:** We are also preparing to start the new bathroom at Lions Park.

**Attenuator Damage:** When we conduct our sweeping on DOT right of way we are required to use a truck mounted crash impact device (attenuator) which is mounted on a truck that follows our street sweeper. Last week a vehicle traveling on SR 285 ran into the back of this device. The attenuator work perfectly and no one was hurt, however the attenuator was destroyed and we are in the process of replacing it.

Regional Sewer System - Update:

No Report.

**LIBRARY – UPDATE**

Sheila Bishop stated tax preparation service is available at the library the deadline being Monday, April 18, 2011. She stated personnel at the Children's Park is performing spring cleanup this week and advised the Spray Park will open the 1st of May. She advised renovation work and painting is being done at the Community Center.

**FIRE DEPARTMENT - UPDATE**

Chief Mayville briefed the status of current projects in the department. He advised that during the month of March the Fire Department responded to a total of 121 calls. There were 113 calls within the City limits and 8 mutual aid calls. Chief Mayville stated the was in receipt of the ISO Summary for Fire service resulting in a classification of 5 down to 4 and missed a 3 by only 2 ½ points. He stated in order to reach a classification of 3 we will have to add more personnel and equipment such as a ladder truck. Mr Corbin stated that we'll consider this during our budget process, however, he stated we have a unique set-up in fire department in which city workers have vehicles assigned to them to respond to calls as required and we have mutual aid from the surrounding area. Discussion followed. Chief Mayville stated the Fire Dept participated in Adventure Day with the scouts. He stated department personnel are working on classes for active shooter incidents – Homeland Security. He advised the dept is working on a technical public safety forum panel for developing a clear path for future career success at Northwest Florida State College. He stated the social media class for local government was beneficial regarding new ways to reach the public.

**POLICE DEPARTMENT - UPDATE:**

Capt Popwell briefed the status of current projects. He advised that during the month of March the Police Department responded to 1841 calls for police assistance. A total of 59 vehicles were involved in reported accidents. The estimated amount of damage to these vehicles and related property was \$ 127,422. A total of 222 Traffic Citations were issued, 41 Misdemeanor, 15 Felony and 6 DUI arrests were made. Discussion followed.

**BUILDING INSPECTION – UPDATE:**

Mr Dorsey Chaney briefed the council on new business construction. He advised the Chick Filet is well under way and should be completed ahead of schedule which was

originally the end of May. He stated that there is prospective buyer for the Giuseppe restaurant with plans to reopen in the near future. He stated a new take out pizza business will be opening soon near Joey Tomatoes. Discussion followed.

**CITY PLANNER – UPDATE:**

Ms Wanda Cruttenden, City Planner advised the council that the CDBG Grant request for \$700,000 has been approved by DCA for Fiscal Year 2011. She stated we have 12 applicants on file which must be recertified for qualification. She stated we should receive the contract from DCA during the next 4-6 weeks. She advised we should be able to proceed with the project in June. Discussion followed.

**Other Business:**

Mr Corbin requested the council consider naming a street which only has about four homes on it near Cadillac Ave. He stated the Mason family has lived there for over 75 years and felt it would be appropriate to name the street “Mason Street”. Councilman Swihart moved approval. Councilman Smith seconded. Council Vote: Boudreaux-yes; Thomas-yes; Henkel-yes; Swihart-yes; Smith-yes.

Ms Christy Moore, 218 Yacht Club Drive, expressed her support for the Fire Department. She encouraged obtaining adequate fire apparatus to accommodate tall structures such as the 3 story home on Bayshore Drive. Discussion followed.

**Bills Payable**

Councilman Smith moved approval. Councilman Swihart seconded. Council Vote: Smith-yes; Thomas-yes; Henkel-yes; Boudreaux-yes; Swihart-yes.

The meeting adjourned at 8:30 PM.

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MAYOR

ATTEST:

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CITY CLERK